

## REMARKS

In the outstanding Office Action, claims 12-13 and 15-31 were presented for examination. Claims 23-24 and 26 were indicated to have allowable subject matter, which favorable indication is greatly appreciated by applicant. Claims 12-13 and 15-22, 25 and 27-31 were rejected on the basis of 35 U.S.C. §103 as being unpatentable variously in view of references to Baharad et al., Dawn et al., Arnold, Booth and Scholz.

The Office Action has been most carefully studied. In this amendment applicant has added new claim 32 distinctly claiming the invention and has amended claims 21 and 29. Accordingly, as will be discussed in detail below, it is believed that the application is clearly in condition for allowance.

### *Drawings*

In the replacement drawings filed herewith, Fig. 4 has been amended to show a second rim 27a, on the other side of inner shield 26, pursuant to the Office's requirement.

### *Specification*

Amendments have been made to the specification to correct the minor deficiencies kindly pointed out by the Office. In addition, a sentence has been added to page 5 of the specification, at line 16 describing the second rim 27a of flexible material now shown in replacement Fig. 4 of the drawing. Support for this sentence and the drawing amendment may be found at page 3, lines 29-31 of the specification, as was kindly pointed out by the Examiner.

### *Claim Amendments*

Base claims 21 and 29 have been amended, without narrowing and by making explicit matter which was inherent before amendment for the purpose of emphasizing

the distinctive features of the invention. Thus, it may be seen that the invention as now defined in amended claims 21 and 29 relates to a visor assembly having a replaceable inner shield which, *inter alia*, is supported by an outer shield and is detachable from the outer shield and visor assembly.

#### *Amended Base Claims 21 and 29*

The invention as now claimed in amended base claim 21, relates to a visor assembly useful for a helmet. The visor assembly includes a replaceable inner shield and an outer shield. The outer shield is spaced from the inner shield and carries mechanical fixing elements that detachably fix the inner shield to the outer shield whereby the inner shield is supported by the outer shield. In addition the inner shield is located within the periphery of the outer shield, is spaced from the outer shield, is engageable with the outer shield and is detachable from the outer shield and visor assembly. Additional fixing elements fix the outer shield to a support component, which can be a helmet, a goggles frame, or other suitable support component.

To maintain the spacing between the inner and outer shields, and to obtain a gastight chamber between the shields, a spacing member is provided which extends around the periphery of the inner shield and is on a surface facing the outer shield. The spacing member is adhered to the inner shield for support and is fabricated of flexible silicone material to be able to engage and seal with the outer shield without adhering to the outer shield so as to maintain the interchangeability or reversibility of the inner shield. Amended base claim 29 further defines that the visor assembly lacks heating means.

#### *Claim Rejections Under 35 USC §103 (Unpatentability)*

Baharad et al. (US 5,802,622) discloses protective goggles having a permanent inner shield 30 and a replaceable outer shield 62. Outer (second) shield 60 is attachable to the frame 2 of the goggles (Figs. 1-4, column 4, lines 22-23) by means of prongs 62

provided on outer shield 60, which prongs 62 snap into recesses 64 in the temple zones 6 of the frame 2 of the goggles (Figs. 1-4, column 4, lines 39-43). A chamber is defined between Baharad et al.'s inner shield 30 and outer shield 62. Inner shield 30 is snugly received into a groove 25 in a projecting portion 24 of a gasket 20 (column 3, lines 58-62). Gasket 20 has a projecting rim 33 against which outer shield 60 seats (column 4, lines 48-52).

The invention as now defined in amended base claims 21 and 29 is clearly distinguished from Baharad et al. by the requirements of clauses b) and c) of applicant's claims 21 and 29, as will now be explained.

Clause b) of amended claims 21 and 29 requires that the outer shield carry fixing elements "to fix the inner shield to the outer shield". The Baharad et al. disclosure does not meet this requirement because Baharad et al.'s fixing elements, prongs 62, fix the outer shield 60 to Baharad et al.'s frame 2, as explained above. Thus, prongs 62 neither fix the inner shield, nor fix the two inner shield to the outer shield as is clearly required by applicant's claims. Also, Baharad et al.'s inner shield is secured in frame 2 and therefore cannot be moved to be engageable with the outer shield as is required by applicant's claims.

Clause c) calls for "additional fixing elements for fixing the outer shield to a support component". Baharad et al. does not disclose any such fixing elements additional to prongs 62 for securing the outer shield to a support component.

Thus, it may be understood that, quite apart from the claimed invention's unique sealing arrangement as defined in the "wherein" clause of claims 21 and 29, the defined visor assembly is of quite different construction from that disclosed by Baharad et al. As implicitly admitted by the Office, Baharad et al. does not disclose applicant's claimed silicone sealing member which is adhered to the inner shield but not to the

outer shield.

Dawn et al. (US 5,475,878) discloses a helmet having an outer visor 22 and an inner visor or sun visor which can be pivoted inside the outer visor. A peripheral seal 23 is provided around window 20 of the helmet, i.e. the shell and not around either visor. This seal is not like applicant's claimed seal because, *inter alia*, it does not "extend around the periphery of the inner shield". Dawn et al. lacks disclosure of how seal 23 is connected to the helmet. The final wherein clause of applicant's claims 21 and 29 calls for the sealing member to be "adhered to the inner shield". Dawn et al. clearly does not meet this requirement. Thus, in view of the deficiencies of both Baharad et al. and Dawn et al., as explained above, it is clear that even the combination of the two references, were it to be suggested by the art, would not provide applicant's claimed invention.

However, Dawn et al.'s sealing arrangement is believed so different from applicant's that one skilled in the art would have no motivation to combine Dawn et al.'s teaching with Baharad et al.'s. For example, Dawn et al.'s seal 23 does not provide a seal between an inner and an outer shield, as is required by applicant's claims. Furthermore, Dawn et al.'s is inflatable, employing an inlet conduit 30, as well possibly as an ON-OFF valve, and requiring a pressurized source of inflating fluid to inflate the seal (column 2, lines 44-50). These complicated arrangements do not at all suggest the simple and efficient measure of employing a silicone seal, adhered one side to seal a detachable inner shield to an outer shield. Nothing in Dawn et al. suggests that a simple silicone seal can be effectively make a detachable seal. Dawn et al. relies upon pressurization to make their seal.

In light of the clear distinctions of the base claims from Baharad et al., even when combined with Dawn et al. the remaining references are believed not at all pertinent for the reasons that were explained in applicant's previous amendment. Accordingly, base

claims 21 and 29 are believed clearly and patentably distinguished from the art of record or any other art known to applicant.

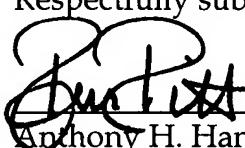
*Dependent Claims*

The dependent claims are believed clearly and patentably distinguished and therefore allowable for the reasons that claims 21 and 29 are believed allowable. They are believed furthermore allowable for the additional features they recite, as was explained in the previous amendment.

In view of the above amendments and the discussion relating thereto, it is respectfully submitted that the instant application, as amended, is in condition for allowance. Such action is most earnestly solicited. If for any reason the Examiner feels that consultation with Applicant's representative would be helpful in the advancement of the prosecution, they are invited to call the telephone number below for an interview.

Respectfully submitted,

By:

  
Anthony H. Handal

Reg. No. 26,275 Ph: (212) 536-4870

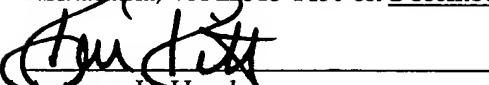
Roger Pitt

Reg. No. 46,996 Ph: (212) 536-4867

KIRKPATRICK & LOCKHART LLP  
599 Lexington Avenue (32nd Floor)  
New York, NY 10022-6030

**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, postage prepaid, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 2, 2004.

  
Anthony H. Handal  
Reg. No. 26,275  
Roger Pitt  
Reg. No. 46,996